GOVERNMENT OF INDIA
HUMAN RESOURCE DEVELOPMENT
LOK SABHA

UNSTARRED QUESTION NO:2420
ANSWERED ON:31.07.2017
Risky School Buildings
Chauhan Shri Devusinh Jesingbhai;Chavda Shri Vinod;Kundariya Shri Mohanbhai Kalyanjibhai

Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

(a) whether the Government has formed any law for the children who are taking education in risky school buildings in the country;
(b) if so, the details thereof including the guidelines for the school buildings; and
(c) the details of the punishment prescribed for the responsible functionaries, if the building is not as per the Government norms?

Answer

MINISTER OF STATE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT
(SHRI UPENDRA KUSHWAHA)

(a) to (c): No Madam, Education falls under entry 25 of the concurrent list of 7th Schedule of the Constitution of India. Most of the schools in the country are affiliated to various Education Boards set up by respective State Governments. Ministry of Human Resource Development has set up two Boards i.e. Central Board of Secondary Education (CBSE) and National Institute of Open Schooling (NIOS). The State Government and affiliating boards for schools have the responsibility to ensure that schools provide a safe and child friendly environment. This Ministry had written on 27th July, 2004 to all States and Union Territories (UT's) directing that school buildings should be free from inflammable and toxic materials and there should be provision for adequate emergency exits and adequate supply of water and sand for fire fighting purposes. Further, this Ministry's guidelines issued on 9th October, 2014 state that school buildings should be resistant to earthquakes, fire, safe from floods and other calamities.
Further Rule 8.5 of Affiliation Bye Laws of Central Board of Secondary Education (CBSE) prescribes that "the School should scrupulously observe prescription from the Municipal Authority/District Collectorate/Transport Department regarding drinking water, fire safety and transport precautions in the school. A certificate from the Municipal/Fire/Transport Authority regarding sanitary conditions, water/fire/transport safety should be submitted along with the application." Before grant of Affiliation, the school has to submit above certificates duly attested by Competent Authorities.
Further, the Hon'ble High Court vide order dated 15.09.2016 has given following directions.
i. That all the schools in Delhi including Municipal Corporation of Delhi (MCD), New Delhi Municipal Corporation (NDMC), Government schools, Government aided schools shall carry out periodical inspections of the school buildings and premises and submit a quarterly report to the office of Directorate of Education, Caretaking Branch, Government of National Capital Territory of Delhi (GNCTD).
ii. Directorate of Education to constitute a Special Task Force, Zone-wise, who will visit the schools under their respective Zones on a monthly basis and submit their report before Directorate of Education, Caretaking Branch, GNCTD.
iii. Executive Engineers of the Municipal Corporations shall also visit the schools under their area of control on a monthly basis and in cases of any defects in relation to their field are found, shall take steps to ensure that the defects are rectified.
The CBSE shall take necessary action on receipt of such recommendations from 'Directorate of Education, Delhi.
The Schedule to the Right of Children to Free and Compulsory Education (RTE) Act, 2009 provides for norms and standard for a school, which inter alia stipulate for all-weather school building. Under Sarva Shiksha Abhiyan Scheme, School Management Committees (SMCs) can avail of training on all aspects of safety and security of children in schools.
This Ministry had written on 28 July, 2014 to all States and Union Territories (UT's) directing need to ensure a set of standard safety measure by Institution while undertaking study tours.
Punishment against the responsible functionaries would be in accordance with prescribed law or rules of the respective State Government or the Boards, if the building is not as per the Government norms.
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